

**ENTERED**

August 16, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

LONDRES INVESTMENTS, LP,

Plaintiff,

VS.

PENN-AMERICA INSURANCE  
COMPANY,

Defendant.

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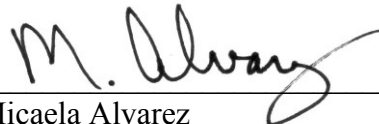
CIVIL ACTION NO. 7:17-CV-00073

**ORDER**

The Court now considers Plaintiff's "stipulation of dismissal,"<sup>1</sup> and hereby memorializes the oral order issued during the August 15, 2017 status conference, dismissing Plaintiff's claims. Federal Rule of Civil Procedure 41(a)(1)(A)(ii)—specifically employed by Plaintiff—provides for dismissal of a claim without Court order so long as the stipulation is "signed by *all* parties who have appeared."<sup>2</sup> However, Plaintiff's stipulation was not signed by Defendant, and is thus invalid. Nevertheless, Defendant indicated during the August 15, 2017 status conference that it was unopposed to dismissal. Thus, the Court orally converted the stipulation into a motion to dismiss, and granted said motion without prejudice. Accordingly, Plaintiff's claims are hereby **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 16th day of August, 2017.


Micaela Alvarez  
United States District Judge<sup>1</sup> Dkt. No. 28.<sup>2</sup> Fed. R. Civ. P. 41(a)(1)(A)(ii) (emphasis added).